

Mar-17-09 12:15pm From:WOODCOCK WASHBURN LLP

T-481 P.001

F-260

INTELLECTUAL PROPERTY LAW
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DATE: March 17, 2009
OFFICIAL PAPER

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Please deliver this and the following pages to:

Examiner: **Michael W. Chao**
U.S.P.T.O. Group Art Unit: **2442**
Telecopier No.: **1 571 270 6657**
U.S. Serial No.: **09/915,425**
Client/Matter No.: ****13-0006**
Sender's Name: **Peter Trahms-Neudorfer**
Pages to Follow: **16**

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COVER MESSAGE:

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto is/are the following documents:

- 1) *INTERVIEW REQUEST FORM*
- 2) *Draft Response.*

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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Applicant Initiated Interview Request Form

Application No.: 09/915,425 First Named Applicant: Jordan Pollack
 Examiner: Michael W. Chao Art Unit: 2442 Status of Application: non final

Tentative Participants:

(1) Peter Trahms-Neudorfer (2) Michael W. Chao
 (3) _____ (4) _____

Proposed Date of Interview: Wednesday March 18th Proposed Time: 2:00 EST AM/PM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:

☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Argument to be Presented:

please see attached draft

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/ Peter Trahms-Neudorfer /

Applicant/Applicant's Representative Signature

Peter Trahms-Neudorfer

Typed/Printed Name of Applicant or Representative
59,282

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.123. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form under suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FRES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Confirmation No.: 6994

Jordan Pollack

Application No.: 09/915,425

Group Art Unit: 2442

Filing Date: July 26, 2001

Examiner: Michael W. Chao

For: **System and Method for the Electronic Mail Based Management and
Manipulation of Stored Files**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 37 CFR § 1.111

In response to the Official Action dated **January 5, 2009**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 10 of this paper.

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This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Previously presented) A system for management and manipulation of stored files through electronic mail items comprising:
 - a first receiving portal configured to receive, from a sender, a first electronic mail item addressed to a recipient, wherein the first electronic mail item comprises a file;
 - a mail processor configured to produce a stripped electronic mail item by removing the file from the first electronic mail item and replacing it with a corresponding file handle;
 - a storage device configured to store the file;
 - a mail deliverer configured to send the stripped electronic mail item to the recipient;
 - a second receiving portal configured to receive, from the recipient, a second electronic mail item including a first field which contains a user identification, a second field which contains the file handle, and a third field which contains a command specification, without prompting for the email item;
 - a rights verifier configured to determine whether the recipient has privilege to access the stored file corresponding to said file handle;
 - a file handle recognizer configured to locate a file handle pattern within the electronic mail item; and
 - a command executor configured to execute said command specification on the file retrieved from said storage device when the recipient is verified to have the access rights to the file.
2. (Previously presented) The system for management and manipulation of stored files of claim 1, wherein the file handle recognizer is configured for locating conforming file handle patterns within the body of the electronic mail item.
3. (Original) The system for management and manipulation of stored files of claim 1 further including a user identification system which extracts information from the electronic mail item including the from address, destination address, the subject, the reply-to, and the body of the electronic mail item, to enable verification of the sender as a known user of the system.

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4. (Previously presented) The system for management and manipulation of stored files of claim 3 further including a command parser which recognizes and assembles a command out of the information extracted from the electronic mail item.
5. (Original) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs said command executor to delete the file from said storage device.
6. (Original) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs said command executor to retrieve the file as an email attachment.
7. (Original) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs said command executor to forward the file to a third party as an email attachment.
8. (Original) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs said command executor to forward to a third party a newly constructed file handle to the file stored on said storage device.
9. (Currently Amended) The system for management and manipulation of stored [[ales]] files of claim 1 wherein the command specification instructs said command executor to print the file on a fax machine at a specified telephone number.
10. (Original) The system for management and manipulation of stored files of claim 1 further including at least one of an optical character recognition device, automatic speech recognition device, language translation device, and a file format translation device associated with said command executor.
11. (Original) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs said command executor to convert the file to plain text and email it back to the sender.

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12. (Original) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs said command executor to convert the file to an audio file and to forward the audio file to a telephone at a specified number.
13. (Currently Amended) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs the command executor to print the file at a printer, and to instruct a mailing component to insert the printed file into a postal mail system automatically print the file and mail it to a third party.
14. (Original) The system for management and manipulation of stored files of claim 1 wherein the storage device further includes an automatic deletion timer associated with at least one of the stored files.
15. (Currently Amended) The system for management and manipulation of stored files of claim 1 wherein the command specification instructs the command executor to change [[the]] a_date of auto deletion of the file.
16. (Original) The system for management and manipulation of stored files of claim 1 wherein said file handle is a uniform resource locator.
17. (Original) The system for management and manipulation of stored files of claim 1 wherein the storage device is chosen from the group consisting of hard drives, optical drives, random access memories, tape drives, RAID arrays, and storage area networks.
18. (Previously presented) A method for electronic mail based management and manipulation of stored files contained within a storage device, comprising the steps of:
- receiving, from a sender, a first electronic email item addressed to a recipient, wherein the first electronic mail item comprises a file;
 - producing a stripped electronic mail item by replacing the file with a file handle that corresponds to the file;
 - storing the file in a storage device;
 - delivering the stripped electronic mail item to the recipient;

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receiving, from the recipient, a second electronic mail item which contains a first field which contains a user identification, a second field which contains the file handle and a third field which contains a command specification, without prompting for the email item;
locating the file handle within the electronic mail item;
determining that the recipient has privilege to access the stored file;
retrieving the stored file from said storage device; and
executing the command specification on the file retrieved from the storage device.

19. (Previously presented) A computer readable medium having a plurality of instructions stored thereon which, when executed by a processor associated with a system containing stored files within a storage device, cause the processor to perform the steps of:

receiving, from a sender, a first electronic email item addressed to a recipient, wherein the first electronic mail item comprises a file;

producing a stripped electronic mail item by replacing the file with a file handle that corresponds to the file;

storing the file in a storage device;

delivering the stripped electronic mail item to the recipient;

receiving, from the recipient, a second electronic mail item which contains a first field which contains a user identification, a second field which contains the file handle and a third field which contains a command specification, without prompting for the email item;

locating the file handle within the electronic mail item;

determining that the recipient has privilege to access the stored file;

retrieving the stored file from said storage device; and

executing the command specification on the file retrieved from the storage device.

20. (Original) The computer readable medium of claim 19 in which computer readable medium is a hard drive.

21. (Original) The computer readable medium of claim 19 in which the computer readable medium is an optical drive.

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22. (Original) The computer readable medium of claim 19 in which the computer readable medium is a Random Access Memory.
23. (Original) The computer readable medium of claim 19 in which the computer readable medium is a Read Only Memory.
24. (Original) The computer readable medium of claim 19 in which the computer readable medium is a tape drive.
25. (Previously presented) A processor and memory configured to perform the steps of:
receiving, from a sender, a first electronic email item addressed to a recipient, wherein the first electronic mail item comprises a file;
producing a stripped electronic mail item by replacing the file with a file handle that corresponds to the file;
storing the file in a storage device;
delivering the stripped electronic mail item to the recipient;
receiving, from the recipient, a second electronic mail item which contains a first field which contains a user identification, a second field which contains the file handle and a third field which contains a command specification, without prompting for the email item;
locating the file handle within the electronic mail item;
determining that the recipient has privilege to access the stored file;
retrieving the stored file from said storage device; and
executing the command specification on the file retrieved from the storage device.
26. (Original) The processor and memory of claim 25 in which the processor and memory are incorporated into a personal computer.
27. (Original) The processor and memory of claim 25 in which the processor and memory are incorporated into a programmable logic controller.
28. (Original) The processor and memory of claim 25 in which the processor and memory are incorporated into a single board computer.

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29. (Original) The processor and memory of claim 25 in which the processor and memory are incorporated into an array of network servers.

30. (Withdrawn) In a system for managing and manipulating stored files, a receiving portal for use in combination with a rights verifier, a command executor and a storage device containing stored files, said receiving portal comprising at least one of a software program configured to listen to a particular port of a network from which email items are received and a program which runs every time an email is received within a range of email addresses;

wherein said receiving portal is configured to receive, via said network, an electronic mail item from a sender including user identification, a file handle and a command specification, and to invoke said rights verifier and said command executor in response to said electronic mail item.

31. (Withdrawn) A system as recited in claim 30, wherein said storage device contains a file corresponding to said file handle.

32. (Withdrawn) A system as recited in claim 31, wherein said rights verifier is configured to determine whether or not the sender has privilege to access the stored file.

33. (Withdrawn) A system as recited in claim 32, wherein said command executor is configured to execute said command specification on the file retrieved from said storage device.

34. (Withdrawn) A system as recited in claim 33, wherein the receiving portal is configured to employ a file handle recognizer to locate conforming file handle patterns within the body of the electronic mail item.

35. (Withdrawn) A system as recited in claim 33, wherein the receiving portal is configured to identify the command specification within a To: field of the electronic mail item.

36. (Withdrawn) A system as recited in claim 33, wherein the receiving portal is configured to identify the command specification within a Subject: field of the electronic mail item.

Attachment to Interview Summary

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37. (Withdrawn) A system as recited in claim 33, wherein the receiving portal is configured to identify command specifications within a To: field and a Subject: field of the electronic mail item.

38. (Previously presented) A system for management and manipulation of stored files through electronic mail items comprising:

- means for receiving, from a sender, a first electronic email item addressed to a recipient, wherein the first electronic mail item comprises a file;
- means for producing a stripped electronic mail item by replacing the file with a file handle that corresponds to the file;
- means for storing the file in a storage device;
- means for delivering the stripped electronic mail item to the recipient;
- means for receiving, from the recipient, a second electronic mail item which contains a first field which contains a user identification, a second field which contains the file handle and a third field which contains a command specification, without prompting for the email item;
- means for locating the file handle within the electronic mail item;
- means for determining that the recipient has privilege to access the stored file;
- means for retrieving the stored file from said storage device; and
- means for executing the command specification on the file retrieved from the storage device.

39. (Previously presented) A method for manipulating remotely stored files attached to a received email, comprising:

- receiving, from a server, a first email originated from a sender, wherein the first email comprises a file reference, the file originally being attached to the first email, the file having been stripped from the first email by the server and replaced with the file reference, the file being stored on the server;
- sending a second email including a first field that contains a user identification, a second field that contains the file reference, and a third field that contains a command specification; and

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receiving a result of the command specification operating on the file when the user identification is verified to have the rights to perform the command specification on the file.

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REMARKS

Claims 1-29 are pending in the present application. Claims 1-8, 10-14 and 16-29 stand rejected. Claims 9 and 15 stand objected to.

Telephonic Examiner Interview

[[[Requested; The examiner's SPE isn't available until March 1 and he doesn't want to conduct an interview without his SPE]]]

Claim Objections

Examiner objects to the word "ales" in claim 9. Applicants have amended it to read "files." Examiner objects to the claim 15 limitation of "change the date of autodeletion of the file." Applicants have amended the limitation to read "change a date of autodeletion of the file." Applicants respectfully submit that these amendments overcome the present objections.

Claim Rejections – 35 USC § 112

Claim 13 stands rejected because the examiner states, "it is unclear how a software program could physically mail a paper document to a third party." Applicants have amended the claim to clarify in the interest of expediting prosecution, but respectfully disagree. It is inherent that a software program executes on hardware. It is common for a hardware computer to be connected to a printer to print electronic files in physical form. Further, mechanical and/or computer systems for producing stamped letters and introducing those letters into a postal mail system are known.

That being said, applicants have amended the claim to read "...specification instructs the command executor to print the file at a printer, and to instruct a mailing component to insert the printed file into a postal mail system." Applicants respectfully submit that this overcomes the rejection.

Claim Rejections – 35 USC § 102

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Claims 1-4, 6, 17, 18-19 and 25 stand rejected under 34 USC 102(e) as being anticipated by Karim (Pat. No. 6,654,892).

Claim 1 recites the limitation, "a first receiving portal configured to receive, from a sender, a first electronic mail item addressed to a recipient, wherein the first electronic mail item comprises a file." The examiner states that this is taught by Karim at col. 5, line 62: "control command is a 'check in' command indicating that the source code in the associated identified file is being checked into the source code control system."

Applicants respectfully disagree. Examiner's claim construction requires the first receiving portal and the recipient to be part of the same device. However, the claim language makes it clear that the recipient is separate from the device in which the first receiving portal operates. A further limitation of claim 1 recites, "a mail deliverer configured to send the stripped electronic mail item to the recipient." If the first receiving portal and the recipient were the same, then there would be no need to send the stripped electronic mail item to the recipient, since the recipient would already have the electronic mail item.

Further supporting this construction is that different terms are used for these different things: "first receiving portal" and "recipient." If they meant the same thing, then one of the terms would be superfluous (*See Primos, Inc. v. Hunter's Specialties, Inc.*, 451 F.3d 841, 848 (CAFC 2006), "Where the terms 'engaging' and 'sealing' are both expressly recited in a patent claim, 'engaging' cannot mean the same thing as 'sealing'; if it did, one of the terms would be superfluous.). Therefore these two distinct terms within a single claim are to be construed to refer to distinct things.

Claim 1 also recites the limitation, "a mail processor configured to produce a stripped electronic mail item by removing the file from the first electronic mail item and replacing it with a corresponding file handle." The examiner states that this is taught by Karim at col. 8, line 57: "the command is obtained from the client e-mail at block 706 and the associated file name is obtained at block 708."

Applicants respectfully disagree. The present limitation recites taking the electronic mail item and altering it to produce a stripped electronic mail item. However, the reference discloses simply parsing the received email to determine things such as source and destination addresses, a command, and a associated file name. This act of parsing as

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disclosed by Karim does not modify the electronic mail item in any way, so no stripped electronic mail item is produced.

Claim 1 also recites the limitation, "a mail deliverer configured to send the stripped electronic mail item to the recipient." The examiner states that this is taught by Karim at col. 7, line 22: "where the client code control command is a check out command, the content of the file being checked out of the source code control system may be provided as an attachment file."

Applicants respectfully disagree. As discussed *supra*, Karim does not disclose a stripped electronic mail item. The "acknowledgment e-mail" disclosed by Karim lacks the claimed connection with the original email item (in the present application, "a first electronic mail item;" in Karim, "an e-mail") because that acknowledgment is sent only in response to the e-mail, whereas the stripped electronic mail item of the present application is a directly modified form of the first electronic mail item, modified by "removing the file from the first electronic mail item and replacing it with a corresponding file handle."

Further, applicants respectfully submit that examiner is combining portions of the reference in ways not supported by the reference. A Karim email that has a "check in" command includes a file attachment. A Karim email that has a "check out" command includes a file handle. Those two distinct emails are part of two distinct transactions and are sent from the same source – the remote user that wishes to access the version control system. One user does not send an e-mail containing a file, resulting in a second user receiving that e-mail stripped of the file, which is replaced by a file handle. The first user either sends an e-mail containing a file, or the user sends an e-mail containing a file handle, and that first user receives whatever result of that e-mail he has sent.

Claim 1 also recites the limitation, "a second receiving portal configured to receive, from the recipient, *a second electronic mail item including a first field which contains a user identification, a second field which contains the file handle, and a third field which contains a command specification, without prompting for the email item.*" The examiner states that this is taught by Karim at col. 8, line 57: "the command is obtained from the client e-mail at block 706 and the associated file name is obtained at block 708."

Applicants respectfully disagree. Examiner has used this same portion of the reference to state that Karim teaches the claimed "a mail processor configured to produce a

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stripped electronic mail item by removing the file from the first electronic mail item and replacing it with a corresponding file handle." As per above, the claimed stripped electronic mail item and second electronic mail item are to be construed as being distinct things. Therefore, applicants respectfully submit that the single e-mail in this portion of the reference cannot teach both the above claimed "stripped electronic mail item" and the here claimed "second electronic mail item." Further, as the Karim reference discloses only a single user (in addition to the system itself) sending e-mail, it cannot disclose both a sender and a recipient (in addition to the system itself) sending e-mail as is claimed here.

Claim 1 also recites the limitation, "a rights verifier configured to determine whether the recipient has privilege to access the stored file corresponding to said file handle." The examiner states that this is taught by Karim at col. 6, line 40: "if it is determined at block 504 that the password is invalid, the e-mail is ignored."

Applicants respectfully disagree. The present claim recites a per-file access privilege, while Karim discloses only a source code control system-wide access privilege, and does not disclose the smaller granularity of making the privilege on a per-file basis. See Karim at col. 6, lines 35-6: "...a password may be used to indicate those e-mails that are to be processed by the source code control system," which discloses only that the Karim password pertains access to the source code control system as a whole.

For at least these reasons, applicants respectfully submit that claim 1 is in condition for allowance.

Independent claims 18, 19 and 25 recite similar limitations as claim 1. Applicants respectfully submit that claims 18, 19, and 25 are in condition for allowance for reasons similar to why claim 1 is in condition for allowance.

Claim 3 recites the limitation, "a user identification system which extracts information from the electronic mail item including the from address, destination address, the subject, the reply-to, and the body of the electronic mail item, to enable verification of the sender as a known user of the system." Examiner states that this is taught by Karim at Fig. 2 and col. 4 line 55: "The present invention preferably handles only those e-mails that are addressed to the source code control system of the present invention. It is therefore desirable to implement a

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password or identifier code that that may be used to designate those e-mails that are addressed to the source code control system.”

Applicants respectfully disagree. The reference discloses only using a password or identifier code to determine that the sender is a known user of the system. However, the claim recites using the from address, the destination address, the subject, the reply-to and the body of the electronic mail item. For instance, the from address may not reasonably be construed to be a password since it is commonly publicly visible and a tenet of password policy is that passwords are kept private. The same applies to such fields as the destination address and the reply-to.

For at least these reasons, as well as because it depends from claim 1 which is in condition for allowance, applicants respectfully submit that claim 3 is in condition for allowance.

Applicants respectfully submit that dependent claims 2, 4, 6 and 17 are in condition for allowance for at least the reasons that independent claim 1 is in condition for allowance.

Claim Rejections – 35 USC § 103

Claims 5, 7, 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Karim, in view of Boaz et al. (U.S. 5,333,266). Applicants respectfully submit that dependent claims 5, 7, 9 and 10 are in condition for allowance for at least the reasons that independent claim 1 is in condition for allowance.

Claims 11 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Karim, in view of Pearl et al. (US 200210083035). Applicants respectfully submit that dependent claims 11 and 16 are in condition for allowance for at least the reasons that independent claim 1 is in condition for allowance.

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Karim in view of Boaz, in view of Tverskoy et al. (US 2001 10043678). Applicants respectfully submit that dependent claim 12 is in condition for allowance for at least the reasons that independent claim 1 is in condition for allowance.

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Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Karim in view of Boaz, in view of Martin (US 6,432,232). Applicants respectfully submit that dependent claim 13 is in condition for allowance for at least the reasons that independent claim 1 is in condition for allowance.

Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Karim in view of Boaz, in view of Ryan et al. Applicants respectfully submit that dependent claims 14 and 15 are in condition for allowance for at least the reasons that independent claim 1 is in condition for allowance.

Claims 8, 21, 24, 27 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Karim. Applicants respectfully submit that dependent claims 8, 21, 24, 27, and 29 are in condition for allowance for at least the reasons that independent claims 1, 19 and 25 are in condition for allowance.

Date: DRAFT

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